IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 11TH JUNE 2007 / 21ST JYAISHTA 1929

OP.No. 29200 of 2000(S)

PETITIONERS:
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1. UNION OF INDIA, REPRESENTED BY THE GENERAL MANAGER, SOUTHERN RAILWAY, HEADQUARTERS OFFICE, PARK TOWN P.O. CHENNAI 3.

2. THE DIVISIONAL RAILWAY MANAGER, SOUTHERN RAILWAY, PALGHAT DIVISION, PALGHAT

3. THE DIVISIONAL PERSONAL OFFICER, SOUTHERN RAILWAY, PALGHAT DIVISION, PALGHAT.

4. THE ADDITIONAL DIVISIONAL RAILWAY MANAGER,SOUTHERN RAILWAY, PALGHAT DIVISION, PALGHAT.

BY ADV. SRI.T.C.GOVINDA SWAMY
SRI.N.ANIL KUMAR, SC, RAILWAYS
SRI.T.P.M.IBRAHIM KHAN,SR.SC, RAILWAYS

RESPONDENTS:
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1. M. SEMAN, AGED 51 YEARS, S/P. MARI, POINTSMAN,'A', PODANUR RAILWAY STATION, PERMANENT ADDRESS: MURUNGATHULU VILLAGE, CHANNIMALAL TALUK, ERODE DISTRICT.

2. THE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM.

BY ADV. SRI.N.ANILKUMAR FOR R1
SRI. T.P.M. IBRAHIM KHAN, S.C. FOR RAILWAYS FOR R2

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 11/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP 29200/00

APPENDIX

PETITIONERS' EXTS:

EXT.P1 TRUE COPY OF THE ORDER DATED 21.6.2000 IN OA 1260/97 PASSED BY THE 2ND RESPONDENT.

EXT.P2 TRUE COPY OF THE O.A.1260/97 FILED BY THE FIRST RESPONDENT BEFORE THE 2ND RESPONDENT.

EXT.P3 TRUE COPY OF THE RAILWAY BOARD LETTER NO.F(X)1/86/II/91 DATED 1.4.89.

EXT.P4 TRUE COPY OF REPLY STATEMENT IN O.A. 1260/97 FILED BY THE PETITIONERS BEFORE THE 2ND RESPONDENT.

EXT.P5 TRUE COPY OF ORDER DATED 9.3.2000 IN O.A.892/97 PASSED BY THE 2ND RESPONDENT.

EXT.P6 TRUE COPY OF ORDER OF SECOND RESPONDENT IN O.AS.734/97 AND 748/97 DATED 10.4.2000

K.S.Radhakrishnan
&
Antony Dominic, JJ.
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O.P.No.29200 of 2000
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Dated this the 11th day of June, 2007.

JUDGMENT

Radhakrishnan,J.

We find no infirmity in the view expressed by the Tribunal. If the allegation of subletting was disputed by the first respondent, the petitioners should have held an enquiry giving the first respondent an opportunity to defend himself as directed by the Tribunal and recover any damage rate of rent from the first respondent.

Original Petition is dismissed.

K.S.Radhakrishnan,
Judge.

Antony Dominic,
Judge.

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